

**Amendment to the  
Santa Monica Mountains North Area  
Community Standards District**

**Staff Report**

**Local-Serving Commercial Uses and Structures**

**February 21, 2007**

County of Los Angeles  
Department of Regional Planning

## **PROJECT DESCRIPTION**

The Santa Monica Mountains North Area Plan (Plan) was adopted on October 24, 2000 to provide a more focused policy for the regulation of development within the unincorporated area of the Santa Monica Mountains.

The Plan directed the Department of Regional Planning to prepare a zoning consistency program and community standards district (CSD) to implement the Plan. Zone changes were made to ensure that zoning was consistent with the adopted plan, per the requirements of California Government Code Section 65860.

Recently, it was discovered that zone changes associated with the implementation of the North Area Plan and the adoption of Ordinance 2002-0062Z inadvertently caused a lawfully-established local-serving business to become nonconforming. In order to ensure that local-serving businesses are able to continue to serve residents during emergencies and other times, on May 30, 2006 the Los Angeles County Board of Supervisors instructed the Acting Director of Planning to carry out the following activities:

1. To review the impact of the Santa Monica Mountains North Area Plan on local-serving professional, repair and maintenance services;
2. To recommend appropriate zoning actions to allow these essential local-serving businesses to continue and expand; and
3. To ensure that the uses are compatible with the surrounding community.

This proposed amendment to the Santa Monica Mountains North Area Community Standards District (Section 22.44.133) adds a provision to allow such local-serving businesses to continue and clarifies the conditions under which they are allowed to do so.

## **DESCRIPTION OF SUBJECT PROPERTIES**

### **Location**

The area covered by the North Area Plan is located approximately 27 miles west of downtown Los Angeles between Ventura County on the north and west, the City of Los Angeles on the east, and the Coastal Zone on the south, excluding the cities of Westlake Village, Agoura Hills, Calabasas, and Hidden Hills. The parcels potentially affected by the proposed amendment are scattered throughout the area, with concentrations along Mulholland Highway at the intersections with Cornell Road, Troutdale Drive, and Cornell School Road; Topanga Canyon Boulevard between Santa Maria Road and Cheney Drive; the

intersection of Las Virgenes Road and Brittany Court; the intersection of Agoura Road and Liberty Canyon Road; and north of the Ventura Freeway (US-101) west of Parkway Calabasas.

## **Physical Features**

The topography of the parcels potentially affected by this amendment consists mainly of relatively flat lands, with some rolling and moderately steep hills. No perennial streams run through the parcels potentially affected by the amendment.

## **Access**

The subject properties are accessible by one freeway and several major roads. Major north-south arteries include Topanga Canyon Boulevard (State Highway 27), Old Topanga Canyon Road, Las Virgenes Road, Kanan Road, and Westlake Boulevard (State Highway 23). East-west access is mainly supported by the Ventura Freeway (US-101) and Mulholland Highway. Malibu Canyon Road and Latigo Canyon Road are also important roads that connect, and provide movement between, the subject properties and the North Area. The properties potentially affected by the amendment are primarily located along a secondary highway, Topanga Canyon Boulevard, and a County Scenic Highway, Mulholland Highway. Other parcels potentially affected by this amendment are located along major highways, Agoura Road and Las Virgenes Road; a proposed parkway, Troutdale Drive; and the Ventura Freeway (US-101).

## **EXISTING ZONING**

### **Subject Properties**

The parcels that are potentially affected by this amendment are those that were previously zoned to allow commercial uses (Zones C-2, C-2-DP, C-3, and C-3-DP), which were rezoned to noncommercial uses (Zones O-S, A-1-2, A-1-5, R-1-1, R-1-2, R-R-22,000, and R-R-10) with the adoption of zone changes associated with implementation of the North Area Plan. The current zoning of the properties includes O-S Open-Space, A-1 Light Agricultural, R-1 Single-Family Residential, and R-R Resort and Recreation.

## **ZONING HISTORY**

Zoning for the Santa Monica Mountains North Area was first established in 1955 as the Agoura Zoned District. In 1957 it was enlarged and renamed The Malibu Zoned District. More precise zoning was established in 1957 and 1959 in the Malibu Lake-Las Virgenes and Agoura-Calabasas areas. Individual changes have occurred over the past forty-seven years on a site-specific basis.

Under the Malibu/Santa Monica Mountains Interim Area Plan (Interim Area Plan), adopted in 1981, the parcels potentially affected by this amendment were in the OS Open Space; N1 and N2 Rural Residential; and N5, N10, and N20 Mountain Lands land use categories. At that time, the majority of the parcels potentially affected were zoned as C-3 Unlimited Commercial. Permitted uses in this zone were various sales and service businesses ranging from flower shops to auto repair. Other parcels were zoned as C-2 Neighborhood Business. Permitted uses in this zone included a variety of types of retail or service businesses provided all sales were retail only. Finally, one parcel was zoned as M-2-DP Heavy Manufacturing. Any use was permitted in this zone, except those listed as prohibited, such as adult day care and residential facilities, motels, and schools, and those subject to director's review and approval or permits, such as grading projects, homeless shelters, and manufacturing of certain products.

In October, 2000 the Santa Monica Mountains North Area Plan replaced in its entirety the Interim Area Plan. Under the North Area Plan, the parcels potentially affected by this amendment are zoned as A-1 Light Agricultural, R-1 Single-Family Residential, O-S Open-Space, R-R Resort and Recreation, and M-1 Light Manufacturing. The majority of the parcels potentially affected are zoned as A-1 Light Agricultural. Parcels in this zone are permitted to have activities including raising horses, cattle, or poultry, as well as having adult residential facilities, family child care homes, or group homes. Some of the subject parcels are in the R-1 Single-Family Residence Zone. These are permitted to have uses such as single-family residences, adult residential facilities, and foster homes. Other parcels are designated as O-S Open-Space. Uses in this zone include conservancy lands, private parks, nature preserves, and wildlife habitats. A small number of parcels are in the R-R Resort and Recreation Zone. This zone provides for outdoor recreation and agricultural uses that do not significantly impair the area's resources. Other uses recognized in this zone are single-family residences and necessary commercial and public service facilities, subject to review and conditions to protect natural or scenic resource value. Finally, one parcel is in the M-1 Light Manufacturing Zone. Permitted uses in this zone include any uses permitted in zone A-1 Light Agricultural or C-M Commercial Manufacturing, as well as other uses such as hotels, hospitals, and schools.

## **EXISTING LAND USE**

### **Subject Properties**

The existing land uses of the subject properties include N1 and N2 Rural Residential; N5, N10, and N20 Mountain Lands; and C Commercial. These land use categories generally consist of low-density single-family detached housing in rural areas; rolling hillside areas, steep slopes, and isolated mountain lands; and general shopping and commercial areas that serve the needs of residents, workers, highway users, and tourists

## **Surrounding Properties**

The parcels potentially affected by this amendment are located throughout the area covered by the Plan. The existing uses of the surrounding properties vary, but can generally be categorized as follows:

- Mainly undeveloped open spaces, including publicly-owned lands,
- Hillside and mountain areas with limited residential and commercial development,
- Low-density single-family residential and some rural residential areas,
- Areas for general shopping and commercial services, and
- Areas designated to provide for major transportation facilities.

## **Local Plan Consistency Analysis (Santa Monica Mountains North Area Plan)**

The parcels potentially affected by the proposed amendment fall within the jurisdiction of the Santa Monica Mountains North Area Plan.

The proposed amendment to the Santa Monica Mountains North Area Community Standards District is an addition to Community-wide Development Standards, and applies to local-serving businesses. This amendment to allow lawfully-established businesses, which were inadvertently made nonconforming with the adoption of Ordinance 2002-0062Z, to continue is consistent with the Plan's Grandfather Clause (Page I-4). This clause states that, "all legally established uses in existence at the time of adoption of this North Area Plan are deemed to be consistent with this Plan." This proposed amendment helps ensure that such uses are consistent with the Plan's goals and policies by specifying the conditions under which they can continue to operate, and by requiring a conditional use permit for any extension, expansion, or enlargement of the land, building, or structure. Therefore, the proposed amendment is consistent with the Plan.

The parcels potentially affected by the amendment have designated land use categories that the Plan specifies can have local-serving commercial uses. These include the land use categories N1 and N2, Rural Residential; N5, N10, and N20 Mountain Lands; and C Commercial. Local-serving commercial uses are permitted or deemed appropriate in each one of these categories. Since the local-serving commercial uses allowed with the amendment are deemed appropriate in the various subject land use categories, the amendment is consistent with the Plan.

## **DISCUSSION**

Staff is aware that the adoption of zone changes associated with the implementation of the North Area Plan inadvertently caused at least one lawfully-established local-serving business to become nonconforming when parcels were rezoned from commercial and manufacturing to noncommercial and non-manufacturing zones. A review of the North Area Plan's zoning consistency program revealed that several other properties were similarly rezoned, some of which may contain lawfully-established local-serving businesses.

Based on this review, staff has concluded that the appropriate action to allow these essential local-serving businesses to continue and expand is to amend the Santa Monica Mountains North Area Community Standards District. Staff proposes adding a provision under the Community-wide Development Standards section that will exempt from Part 10 of Chapter 22.56 those businesses lawfully-established before September 19, 2002, which are now nonconforming due to zone and/or land use category changes associated with the implementation of the North Area Plan and the adoption of Ordinance 2002-0062Z. These businesses would be considered conforming as long as the use does not change and the use is not discontinued for a period of two years or more. This will allow lawfully-established businesses to continue to serve local residents during emergencies and at other times.

In order to ensure that these uses and structures are compatible with the surrounding community, staff recommends that a conditional use permit be required for any extension, expansion, or enlargement of the area of land, or the area within a building or structure requiring a building permit; for alteration, enlargement of, or addition to a building or structure requiring a building permit; or addition of land, buildings, or structures used in conjunction with the subject use, building or structure. Applicants for conditional use permits must substantiate that the use or structure was lawfully established prior to September 19, 2002, that the proposed change is consistent with the goals and policies of the Santa Monica Mountains North Area Plan, and that the proposed use is local-serving and compatible with surrounding land uses.

## **COMMUNITY STANDARDS DISTRICT AMENDMENT BURDEN OF PROOF**

*A. Modified conditions warrant a revision in the Community Standards District as it pertains to the area or district under consideration because:*

It has recently been discovered that a lawfully-established business was inadvertently made nonconforming with the adoption of zone changes associated with the implementation of the Santa Monica Mountains North Area Plan and the adoption of Ordinance 2002-0062Z. Analysis of the zone changes made with the adoption of Ordinance 2002-0062Z revealed that additional properties may be

similarly affected. The proposed amendment will correct this discrepancy by establishing a mechanism through which local-serving businesses inadvertently made nonconforming can continue and expand in conformance with the Plan's goals and policies.

*B. A need for the proposed Community Standards District amendment exists within such area or district because:*

The Plan calls for updates as critical actions for implementation. The proposed CSD amendment seeks to make an addition to the Community-wide Development Standards to reflect the presence of ongoing, lawfully-established businesses, which were inadvertently placed in inconsistent zones. This amendment is needed within the area so that these businesses can continue to serve local residents during emergencies and other times.

*C. The particular properties under consideration are in a proper location for the said amendment within such area or district because:*

The properties potentially affected by this amendment are located throughout the area covered by the North Area Plan, with concentrations along Mulholland Highway at the intersections with Cornell Road, Troutdale Drive, and Cornell School Road; Topanga Canyon Boulevard between Santa Maria Road and Cheney Drive; the intersection of Las Virgenes Road and Brittany Court; the intersection of Agoura Road and Liberty Canyon Road; and north of the Ventura Freeway (US-101) west of Parkway Calabasas. Allowing already-existing, lawfully-established local-serving businesses to continue in these locations is consistent with the Plan's Land Use Policy Map, which allows local-serving commercial uses in all the land use categories in which the parcels are located.

*D. Adoption of the amendment at such location will be in the interest of public health, safety and general welfare, and in conformity with good planning practice because:*

The proposed amendment is consistent with the Plan and its land use categories as required by state law. It will enable local-serving businesses to reach customers who live in rural, remote mountainous areas during emergencies and other times. By allowing such uses to exist in close proximity to customers, the amendment will also decrease drive times of residents seeking or businesses providing basic services, decreasing the environmental pollution caused by cars and wear-and-tear on local roads. Finally, adoption of the amendment will ensure that future development of these local-serving businesses is in conformity with the Plan, through the application of conditional use permits and the addition of specific requirements applicants must meet to expand their business. The amendment is therefore in the interest of public health, safety, and welfare.

## **ENVIRONMENTAL DOCUMENTS**

In compliance with California Environmental Quality Act (CEQA) Guidelines and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles, staff has prepared an addendum to the negative declaration adopted for the Santa Monica Mountains North Area Community Standards District. CEQA Section 15164 (b) states that “an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” A negative declaration was prepared for the Santa Monica Mountains North Area CSD. This negative declaration, adopted on October 23, 2001, contemplated commercial uses in the North Area. The uses to be allowed under the proposed amendment are existing uses that were already considered in the original negative declaration. After preparing an Initial Study, staff determined that no new significant environmental effects or substantial increases in the severity of previously identified effects will occur as a result of this amendment; no substantial changes have occurred with respect to the circumstances under which the uses are undertaken; and no new information of substantial importance is available which was not previously discussed in the negative declaration. Therefore, none of the conditions described in Section 15162 have occurred and no subsequent EIR or negative declaration is required. Based on these findings, the Department of Regional Planning has prepared an addendum to the adopted negative declaration, pursuant to CEQA Section 15164. The addendum describes what the amendment to the CSD will entail, the locations where the changes will apply, and the effects of the amendment. Per CEQA Section 15164 the addendum was not circulated to the public, but is attached to the original adopted negative declaration.

## **NATIVE AMERICAN HERITAGE COMMISSION NOTIFICATION**

Per the requirements of Government Code §65352.3, staff conducted a record search through the Native American Heritage Commission (NAHC) and California Historic Resources Information System to determine if any cultural places are located within the area affected by the proposed action. A NAHC Sacred Lands File request was made in writing on January 31, 2007. Letters were sent to five tribes on February 12, 2007 to determine whether they had traditional lands or cultural places located within the area affected by the amendment. As of the date of this publication, staff has received no responses.

## **NOTIFICATION**

The original mailing list for the Notice of Public Hearing was compiled in accordance with standards established in Section 22.60.174 of Title 22. The list



included owners of property zoned as commercial or manufacturing under the North Area and Interim Area Plans and owners of property within 500 feet of these parcels. A total of 591 property owners were noticed.

Sixty-four individuals and/or organizations on a courtesy mailing list were also identified for receipt of the Notice. This courtesy list included various community councils and associations, and local, state, and federal government agencies. Also included were representative members of the Ventura Freeway Corridor Policy Committee, on which the County participates.

Notices were mailed out February 20-21, 2007, which allowed four weeks before the public hearing.

#### Media

A one-eighth page display advertisement announcing the public hearing was submitted on February 15, 2007 to the California Newspaper Service Bureau. The advertisement was scheduled to appear in The Malibu Times, La Opinión, and the Topanga Messenger on February 22, 2007.

### **PUBLIC CONTACT**

Staff has received no inquiries about the amendment.

### **RECOMMENDATION**

- **APPROVE THE PROPOSED AMENDMENT TO THE SANTA MONICA MOUNTAINS NORTH AREA COMMUNITY STANDARDS DISTRICT**
- **TRANSMIT THE PROPOSED AMENDMENT TO THE BOARD OF SUPERVISORS FOR THEIR CONSIDERATION**

A draft amendment has been prepared. (See TAB C.)

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